

1 Thomas M. Moroughan

2 your car and break your driver's window?

3 A Yes.

4 Q And then it says -- hit you in  
5 the face.

6 Did he in fact hit you in the  
7 face?

8 A Yes.

9 Q Did you tell that to the  
10 detectives, that he smashed your window and  
11 hit you in the face with his gun?

12 A Possibly. Probably.

13 Q Did you say "probably"?

14 A Yes, probably.

15 Q "[REDACTED]  
16 [REDACTED]."

17 Do you see that?

18 A Yes.

19 Q Did the guy in fact come over and  
20 tell you to get out of the car and you  
21 struggled?

22 A He was trying to pull me out of  
23 the car.

24 Q When he was trying to pull you  
25 out of the car, would you describe that as

1 Thomas M. Moroughan

2 struggling?

3 A Yes.

4 MR. GRANDINETTE: Did he ever  
5 tell you to get out of the car. That  
6 was the question.^ check - i can't hear  
7 him here

8 THE WITNESS: No.

9 BY MR. MITCHELL:

10 Q Then it says: "[REDACTED]  
11 [REDACTED] [REDACTED] [REDACTED]."

12 Did you tell the detectives that  
13 the person said "he was a police officer and  
14 that I was under arrest"?

15 A No.

16 Q Okay.

17 If I'm correct, earlier you  
18 indicated in your earlier testimony today  
19 that the person said nothing to you at that  
20 time, am I right?

21 A Correct.

22 MR. GRANDINETTE: Nothing  
23 regarding the fact that he was a police  
24 officer and that he was under arrest,  
25 correct?

Thomas M. Moroughan

BY MR. MITCHELL:

Q Well, let me ask this way:

Not talking about the statement,  
if I direct your attention now to when the  
person broke your window and hit you in the  
nose with a gun, at that point in time, did  
the person say anything to you at all?

A No.

Q Okay. And then there came a time  
right after that that you started to back your  
car up, correct?

A Yes.

Q Did the person say anything to  
you at that point?

A No.

Q So if I'm correct, when I say he  
said nothing to you at all, that would be a  
correct statement, based on your testimony?

A Yes.

MR. GRANDINETTE: With respect --  
I am sorry. Withdrawn.

It's clear.

MR. MITCHELL: Well, the  
testimony said "[REDACTED]."

1 Thomas M. Moroughan

2 MR. GRANDINETTE: It's clear.

3 MR. MITCHELL: It doesn't matter  
4 what the subject matter of "[REDACTED]" is.

5 MR. GRANDINETTE: I stand  
6 corrected. It's clear.

7 My objection was over the time  
8 frame, but you cleared it up.

9 BY MR. MITCHELL:

10 Q Then it says: [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED]."

12 Do you see that?

13 A Yes.

14 Q [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED]  
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] "

17 Do you see that?

18 A Yes.

19 Q And when it says there in this  
20 statement that it says "[REDACTED] [REDACTED] [REDACTED]  
21 [REDACTED] [REDACTED] [REDACTED]" at that point in  
22 time when -- when you actually drove  
23 backwards, at that point in time did you  
24 entertain the thought of whether he was a  
25 police officer or not?



1 Thomas M. Moroughan

2 A No.

3 Q If I'm correct, you didn't -- the  
4 thought of him being a police officer or not  
5 didn't come up until later when you were  
6 driving away and you heard something about the  
7 word cop; is that a fair statement?

8 A Yes.

9 Q Then it says: "[REDACTED]  
10 [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED]."

12 You would agree with me that when  
13 you went backwards your door was open and you  
14 did knock the guy down, correct?

15 A Yes.

16 Q "[REDACTED]  
17 [REDACTED] [REDACTED] [REDACTED]  
18 [REDACTED]."

19 Actually, I think [REDACTED]  
20 [REDACTED]. " I think that might be a  
21 period.

22 MR. GRANDINETTE: That is a  
23 period, correct.

24 BY MR. MITCHELL:

25 Q "[REDACTED] [REDACTED] [REDACTED]

Thomas M. Moroughan

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[REDACTED] [REDACTED]  
[REDACTED]."

Do you see that?

A Yes.

Q And did you tell the detectives  
that?

A No.

Q "[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]."

Do you see that?

A Yes.

Q In fact, you did drive to the  
hospital?

A Yes.

Q And your girlfriend did call 911?

A Yes.

Q Then it says: [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]."

Do you see that?

A Yes.

Q Below that, is that your  
signature?

1 Thomas M. Moroughan

2 A Yes.

3 Q Okay. And if you just take a  
4 look at page 2.

5 You see at the bottom of page  
6 2 -- I realize a bit of it is cut off -- at  
7 the bottom of page 2 is that your signature?

8 A Yes.

9 Q Okay. And, Mr. Moroughan, when  
10 you put your initials at the top of this  
11 document on page 1 and when you wrote the word  
12 "████" about a third of the way down and put  
13 those initials, is it your contention that you  
14 didn't read what it said before where you put  
15 your initials?

16 A No, I didn't read it.

17 Q Where it says "████████████████████"  
18 and it has a couple of questions you actually  
19 wrote the word "████" and the word "████" and  
20 then your initials.

21 Do you see that?

22 A Yes.

23 Q You would agree with me that the  
24 writing is your writing, correct?

25 A Yes.

1 Thomas M. Moroughan

2 Q And then again that's your  
3 signature, am I right?

4 A Yes.

5 MR. GRANDINETTE: When you say  
6 that's his signature --

7 MR. MITCHELL: Where it says  
8 "[REDACTED] [REDACTED]."

9 MR. GRANDINETTE: Okay.

10 BY MR. MITCHELL:

11 Q You signed that, correct?

12 A Yes.

13 Q And on the spots where we went  
14 over where you put the initials on page 2 --

15 A Yes.

16 Q -- is it your contention that you  
17 didn't put your initials there for the purpose  
18 of noting that a change had been made to the  
19 document?

20 MR. GRANDINETTE: I'm going to  
21 object to the form.

22 But you can answer.

23 A I really don't understand that  
24 question.

25 Q When you put your initials there,

Thomas M. Moroughan

were you aware that a change had been made to the document?

In other words, where it says "[REDACTED]," when you put the initials were you aware that the change had been made to say "[REDACTED]"?

A Yes.

Q Okay.

And you knew that because you read it, right?

A No, I never read it.

Q But at the time when you initialled it you were aware that the change had been made from "[REDACTED]" to "[REDACTED]"; is that correct?

A I don't know what the change was made or he just told me to initial here, initial here, that he made some mistakes.

Q I think you may have misunderstood my question that I asked before.

When you put the initials there to where the corrections were made, were you aware what the corrections were? In other words, from "[REDACTED]" to "[REDACTED]"?

1 Thomas M. Moroughan

2 A No.

3 Q Were you aware that it said "[REDACTED]"  
4 "[REDACTED]" to "[REDACTED]"?

5 A No.

6 Q You would agree with me, however,  
7 that those corrections were in fact consistent  
8 with what actually occurred, right?

9 MR. GRANDINETTE: Objection;  
10 asked and answered.

11 A Yes.

12 Q Your girlfriend's name is Kristie  
13 Mondo, am I right?

14 A Yes.

15 Q And she spells it with a K?

16 A Yes.

17 Q Again, you see on page 1 where it  
18 says: "[REDACTED]" -- and this is like  
19 about halfway down through the body of the  
20 document.

21 "[REDACTED]"  
22 "[REDACTED]"

23 Do you see that?

24 MR. GRANDINETTE: You're on page

25 1?

1 Thomas M. Moroughan

2 MR. MITCHELL: Page 1 about  
3 halfway down.

4 MR. GRANDINETTE: Okay. It's a  
5 little cut off.

6 BY MR. MITCHELL:

7 Q You see it says "[REDACTED]"?

8 A Yes.

9 Q You agreed with me it's spelled  
10 with a K, correct?

11 A Yes.

12 Q And can you tell me,  
13 Mr. Moroughan, about how long did the Suffolk  
14 County homicide detectives speak to you?  
15 About how long was that?

16 MR. GRANDINETTE: Don't guess.

17 A Around an hour.

18 Q Do you know when it was when they  
19 first started speaking to you?

20 MR. SCHROEDER: You mean what  
21 time?

22 MR. MITCHELL: What time.

23 A I don't remember the time. It  
24 was probably a couple of hours before I left.

25 Q Take a look at Exhibit C. You



Thomas M. Moroughan

see where it says the date about midway down the page?

A Yes.

Q And it says February 27, '11?

A Yes.

Q Do you see it says: "[REDACTED]

[REDACTED]"?

A Yes.

Q Does that help you remember around what time it was that they were there? It may not.

A No. I believe it was earlier.

Q Okay.

And you said regardless of what time they came in, you think they were there about an hour, am I right?

A Yes.

Q Now, I asked you earlier that it was your belief at the time that they were speaking to you and taking a statement from you because you were a victim, am I right?

A Yes.

Q And you recall having a conversation with them about what happened, am

Thomas M. Moroughan

I right?

A Yes.

Q In other words, they asked you questions and you answered the questions?

A Yes.

Q That was before you were asked to put your signature and initials on this written statement?

A Yes.

Q And the only persons in the room at the time were the two detectives from Suffolk County, am I right?

A Yes.

Q Did any medical personnel come into that room during that period of time?

A I don't believe so.

Q And after the detectives left, after the detectives left, did any medical personnel come in the room between then and when you left the hospital?

A I don't believe so.

Q Do you recall what time it was that you left the hospital?

A I believe it was around

Thomas M. Moroughan

8 o'clock.

MR. SCHROEDER: Say that again,

I'm sorry?

THE WITNESS: I believe it was

around 8 o'clock.

BY MR. MITCHELL:

Q From the time the detectives left after speaking to the homicide detectives, to the time you actually left the hospital, about how much time went by?

A I don't know.

Q Was it like more than --

A Maybe a half-hour.

Q -- an hour, half-hour?

A I'm not sure.

Q When you left the hospital, what were you dressed in?

A Scrubs.

Q Like, was that something the hospital provided you?

A Yes.

Q And when you left the hospital were you given any instructions by the medical personnel?

1 Thomas M. Moroughan

2 A Yes.

3 Q What type of instructions did  
4 they give you?

5 A Pain medicine for pain as needed.  
6 Antibiotic. Told me to follow up in a couple  
7 of days with Dr. Martin.

8 Don't remember much else.

9 Q Okay. When they gave you those  
10 instructions you understood them?

11 A Yes.

12 Q Did you ask them questions about  
13 who you should go see or where Dr. Martin's  
14 office was?

15 A No. They handed me the paper.  
16 The release paper. Release form.

17 Q When they were giving those  
18 instructions, handing you that paper, did you  
19 sign that piece of paper?

20 A Yes.

21 Q Did you read it before you signed  
22 it?

23 A Probably not, no.

24 Q Did you know what it was about?

25 A They told me it was my

1 Thomas M. Moroughan

2 discharge -- my discharge paperwork.

3 Q When they told you it was your  
4 discharge paperwork you understood what they  
5 were telling you, correct?

6 A I've been to the hospital before,  
7 so yes.

8 Q But that morning, regardless of  
9 whether you have been to a hospital before or  
10 not, you understood what they meant when they  
11 said it was discharge paperwork, right?

12 A Yes.

13 Q And you have a recollection of  
14 them telling you it was your discharge  
15 paperwork, right?

16 A Yes.

17 Q You signed that document,  
18 correct?

19 A I believe so, yes.

20 Q Now, when you left the hospital,  
21 prior to actually leaving the location of the  
22 hospital, did you have an opportunity to speak  
23 to Ms. Lewis?

24 A Yes.

25 Q Okay.

Thomas M. Moroughan

Where was it that you spoke to  
Ms. Lewis?

A Outside by a marked car.

Q Okay.

And when you were outside by the  
marked car were you handcuffed?

A No.

Q And when you were outside by the  
marked car and you spoke with Ms. Lewis, did  
you smoke a cigarette?

A Yes, I did.

Q And when you were there smoking a  
cigarette with Ms. Lewis did you have any  
conversation with Ms. Lewis?

A Yes.

Q When you spoke with Ms. Lewis did  
you mention to Ms. Lewis about the statement  
that the detective had you sign, the homicide  
detectives had you sign?

A No.

Q Did you say anything to her about  
having signed that statement and not  
understanding why the police were speaking to  
you?



1 Thomas M. Moroughan

2 MR. GRANDINETTE: Objection. He

3 said he never mentioned the statement.

4 A No.

5 MR. GRANDINETTE: You can answer.

6 BY MR. MITCHELL:

7 Q When you spoke with Ms. Lewis  
8 while you were having a cigarette, did you say  
9 anything to her about your conversation that  
10 you had with the Suffolk County homicide  
11 detectives, about the content of it?

12 A No.

13 Q When you were speaking to  
14 Ms. Lewis did she say anything to you?

15 A Anything at all?

16 Q Yes.

17 A Something like everything was  
18 going to be okay.

19 Q Anything else?

20 A That's about it.

21 Q Did she ask you whether you gave  
22 any statements to the police?

23 A No.

24 Q Did she mention to you at all  
25 whether she -- did she say anything to you



Thomas M. Moroughan

about you being placed under arrest?

A No.

Q Did she ever say anything to you about -- that the police wanted to charge you?

A No.

Q And then were you taken from the hospital eventually to the police precinct?

A Yes.

Q How did you get to the police precinct?

A Marked patrol unit.

Q Were you in handcuffs when you went in the patrol unit?

A No.

Q Was there anybody in the patrol unit other than yourself and police officers?

A No.

Q How many police officers were in the patrol unit?

A I believe two.

Q If you know, were they in uniform?

A Yes.

Q Did they -- and where were you

Thomas M. Moroughan

seated in the vehicle?

A In the back seat.

Q Again, were you handcuffed?

A No.

Q Now, I wanted to show you, Mr. Moroughan, after these events, if I'm correct, you wrote some notes about the things that happened on the morning -- I'll use that phrase -- of February 27, 2011?

A Yes.

---

(County of Suffolk Defendants' Exhibit B, Time log, was marked for identification)

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BY MR. MITCHELL:

Q I'm going to show you what's been marked today as Suffolk Defendants' B.

Do you see that?

A Yes.

MR. MITCHELL: Everybody got a copy?

MR. GRANDINETTE: Yes.

BY MR. MITCHELL:

1 Thomas M. Moroughan

2 Q Mr. Moroughan, take a look at  
3 what has been marked as Suffolk County  
4 Defendants' B.

5 Do you see that?

6 A Yes.

7 Q That is a three-page document, am  
8 I correct?

9 A Yes.

10 Q Yes?

11 A Yes.

12 Q And that document is a note that  
13 you made?

14 A Yes.

15 Q That's your handwriting?

16 A Yes.

17 Q Can you tell me when it was that  
18 you made that document?

19 A Few days, maybe a week, after it  
20 happened.

21 Q Okay. And if you look at page 1,  
22 you'd agree with me that that is sort of a  
23 chronological listing of things that occurred,  
24 am I right?

25 A Yes.

1 Thomas M. Moroughan

2 Q Starting with "1:25," it says  
3 "around"?

4 A Yes.

5 Q It says "Get to the hospital"?

6 A Yes.

7 Q And then it has a list of things.  
8 It goes -- I'm just going to read them for the  
9 record.

10 It says: "1:30, First cop gets  
11 to hospital." Right?

12 A Right.

13 Q Then it says: "2:00, Risco  
14 shows."

15 Am I right?

16 A Yes.

17 Q Okay.

18 "2:30, Nassau detectives come  
19 in."

20 It says "DTS"; do you mean  
21 detectives?

22 A Yes.

23 Q "2:40, Doctors tell detectives to  
24 leave." Correct?

25 A Yes.

1 Thomas M. Moroughan

2 Q "3:30, Doctors leave, detectives  
3 come back"?

4 A Yes.

5 Q "4:00, Detectives leave"?

6 A Yes.

7 Q "7:00, Suffolk detectives come  
8 in"?

9 A Yes.

10 Q Right? That's your writing, am I  
11 correct?

12 A Yes.

13 Q It is fair to say that when you  
14 wrote this you believed that the Suffolk  
15 detectives came in about 7 o'clock?

16 A Roundabout. There was no clock.  
17 So it was basically me just trying to remember  
18 time off my head.

19 Q And the time that you remembered  
20 for this document was 7 o'clock?

21 A Yes.

22 Q Then it says: "8:00, go to  
23 Precinct," correct?

24 A Yes.

25 Q Fair to say that when you wrote

Thomas M. Moroughan

1  
2 this document it was your belief that it was  
3 about an hour after the Suffolk detectives  
4 came in that you left the hospital, correct?

5 A Something around there, yes.

6 Q Based on your document it would  
7 actually be an hour, because it says 7 to 8?

8 A Yes.

9 Q You also have a number of  
10 different -- the next two pages have a number  
11 of different notes that you wrote, correct?

12 A Yes.

13 Q And these -- I know it speaks for  
14 itself, but it actually has quotations of  
15 conversations that you either had with people  
16 or that people said to you?

17 A Right.

18 Q You'd agree with me,  
19 Mr. Moroughan, that this document that's  
20 marked as Suffolk Exhibit B lists things that  
21 happened at the hospital between when you were  
22 there from 1:25 to when you left at 8 o'clock,  
23 correct?

24 A Yes.

25 Q And you'd agree with me that what



Thomas M. Moroughan

1                                    Thomas M. Moroughan  
2        you have listed on here is consistent with  
3        what you testified to here today about when  
4        things occurred, right?

5                    A            Yes.

6                    Q            Fair to say that your memory when  
7        you wrote this document about what happened  
8        was relatively clear, right?

9                    A            Yes.

10                  Q            So the things that happened in  
11        the hospital that you detailed here was a  
12        result of a clear memory of what happened,  
13        right?

14                  A            Yes.

15                  Q            And again, you have detailed for  
16        me today talking about speaking to the Suffolk  
17        detectives and the questions they asked you,  
18        that that is something that you have a  
19        recollection of as well, right?

20                  A            Yes.

21                  Q            In fact, your recollection was  
22        not that they were taking a statement from you  
23        as a criminal defendant, but rather that you  
24        believed they were speaking to you as a  
25        victim, correct?



1 Thomas M. Moroughan

2 A Yes.

3 Q And you have a recollection of  
4 the things that they said to you that led you  
5 to believe that they were speaking to you as a  
6 victim, correct?

7 A Yes.

8 Q And you'd agree with me, at least  
9 according to what's been marked as Exhibit B,  
10 that there came a time around 8 o'clock that  
11 you were permitted to leave the hospital, am I  
12 right?

13 A What do you mean?

14 Q The medical professionals at the  
15 hospital determined it was okay for you to  
16 leave the hospital, right?

17 A Yes.

18 Q And you would agree with me that  
19 that was within an hour of speaking to the  
20 Suffolk detectives, correct?

21 A I believe so.

22 Q And at the time that you left the  
23 hospital, you weren't of a medical condition  
24 where you weren't cognizant, in other words,  
25 aware of where you were, am I right?

1 Thomas M. Moroughan

2 A Correct.

3 MR. GRANDINETTE: Of where he  
4 was?

5 Q Meaning you knew where you were,  
6 right? In the hospital?

7 A I knew I was in the hospital.

8 Q You knew that when the people  
9 came to discharge you they read you things you  
10 understood, right?

11 MR. GRANDINETTE: Objection to  
12 the form.

13 A Yes.

14 Q The medical personnel, right?

15 A Yes.

16 Q You didn't tell the medical  
17 personnel, hey, I can't leave, my head is  
18 foggy, right? You didn't say anything like  
19 that, right?

20 A No.

21 Q You didn't say I can't stand up,  
22 I can't walk, correct?

23 MR. GRANDINETTE: Objection to  
24 the form.

25 A No.

1 Thomas M. Moroughan

2 Q You knew where you were, right?

3 A Yes.

4 Q You knew who the hospital  
5 personnel were, right?

6 A (No response.)

7 Q At that time when -- just before  
8 you left, right?

9 A The hospital personnel, yes.

10 Q In other words, you don't think  
11 the hospital personnel let you leave the  
12 hospital before you were capable of doing so,  
13 correct?

14 MR. GRANDINETTE: Objection to  
15 form.

16 A I don't know what was in their  
17 minds.

18 Q Okay. But from your experience  
19 when you left did you feel as though it was  
20 appropriate for them to let you go?

21 MR. GRANDINETTE: Objection to  
22 his analysis of their medical conclusion  
23 that he is free to go.

24 But, do you know --

25 MR. MITCHELL: I'll withdraw the

Thomas M. Moroughan

question.

BY MR. MITCHELL:

Q When they discharged you did you say to the people in the hospital, I really don't think you should let me go because my mind is not clear, I don't know what is going on?

Did you say anything like that?

MR. GRANDINETTE: Objection.

A No.

Q Your mind was clear, wasn't it?

MR. GRANDINETTE: Objection.

A No.

Q When you left the hospital you went out and had a cigarette, didn't you?

A Yes.

Q You had a conversation with Ms. Lewis, correct?

A Yes.

Q You were able to speak to her; she was able to speak to you?

A Yes.

Q You were able to comprehend what she said to you?

1 Thomas M. Moroughan

2 A Yes.

3 Q You were able to speak to her in  
4 full sentences, am I right?

5 A Yes.

6 Q And again, you have a clear  
7 memory of everything that occurred from the  
8 time that you got to the hospital to the time  
9 you left, am I right?

10 MR. GRANDINETTE: Objection.

11 A No.

12 Q Is it fair to say that you have a  
13 memory well enough to detail the things to me  
14 today that you did from the time you got to  
15 the hospital to the time you left, right?

16 MR. GRANDINETTE: Objection.

17 A No.

18 MR. GRANDINETTE: He said they  
19 were estimates.

20 BY MR. MITCHELL:

21 Q Now, Mr. Moroughan, I'm going to  
22 ask you, since September -- pardon me -- since  
23 February 27, 2011 have you had any contact  
24 with members of the Suffolk County Police  
25 Department in the Second Precinct?

1 Thomas M. Moroughan

2 A Yes.

3 Q Okay. Do you occasionally run  
4 into them down in Huntington Station while  
5 you're driving a taxi cab?

6 A Yes.

7 Q Have you had conversations with  
8 them about different things?

9 A Yes.

10 Q Has there ever been a time where  
11 you've told them you don't want to speak to  
12 them?

13 A Since the incident?

14 Q Yes.

15 A No.

16 Q Okay. So you never had any  
17 problems speaking to police -- have you ever  
18 actually approached the police yourself to  
19 speak to them?

20 A No, I don't think so.

21 Q Have they ever come to you to ask  
22 you for information?

23 A No. I mean, there's a few that I  
24 know --

25 Q Right.



Thomas M. Moroughan

1  
2 A -- that I've spoken to. But,  
3 those are the ones I've known prior to that  
4 incident. So I never had any problem talking  
5 to them.

6 Q Is there any specific reason that  
7 you spoke to them?

8 A Seeing them at Dunkin Donuts.

9 Q Was there ever any incident that  
10 you actually spoke to them about, something  
11 that may have occurred that you spoke to them  
12 about?

13 A You said members of the Second  
14 Precinct?

15 I mean, I've gotten pulled over  
16 since then once.

17 I had -- I had a guy who was  
18 stealing out of my backyard, I had to call --  
19 we had to call -- we had to call the police  
20 and I was there for that. But nothing --

21 Q When the police came you spoke to  
22 them about what happened with someone stealing  
23 out of your backyard?

24 A Yes.

25 Q There was no problem; in other



Thomas M. Moroughan

words, you were capable of speaking to them?  
You didn't have any fear of them when you were  
talking to them?

A Some.

Q As you were relating to them  
about your -- someone stealing something out  
of your backyard?

A Yes.

Q How about the police that you  
encountered that you said you knew already?

A No.

Q You didn't have any fear of them,  
am I right?

A Not really.

MR. SCHROEDER: Getting close.

MR. MITCHELL: I'm almost done.

Almost. The lawyer almost.

Q Mr. Moroughan, if you'll take a  
look at Exhibit C.

A Yes.

Q Have you come to learn that  
Exhibit C is, as it says, that this is a  
statement that has a waiver of rights on it?  
Have you come to learn that?

1 Thomas M. Moroughan

2 A Yes.

3 Q And, if you know -- you may  
4 not -- do you know if this statement that is  
5 marked as Exhibit C, do you know if this  
6 statement was ever used in any criminal  
7 proceeding against you?

8 You may not know.

9 A I don't understand the question.

10 Q Did there ever come a time that  
11 you actually saw the charges that were against  
12 you; in other words, the police paperwork  
13 about the charges that you were charged with?  
14 Did you ever see that?

15 A Yes.

16 Q When you looked at that, was this  
17 statement attached to it, if you know?

18 A I don't believe so.

19 Q Was the charges just based on a  
20 statement from the person --

21 MR. GRANDINETTE: Objection.

22 Q -- that you know as Officer  
23 DiLeonardo?

24 A I have no idea.

25 MR. CLARKE: Objection.

1 Thomas M. Moroughan

2 Q Now, Mr. Moroughan, did there  
3 come a time that -- I'll withdraw that.

4 If you know, after the criminal  
5 charges against you were filed, did there come  
6 a time that they were dismissed?

7 A Yes.

8 Q Were you present in court when  
9 they were dismissed?

10 A Yes.

11 Q Did your lawyer say anything to  
12 the Court while you were there?

13 A Yes.

14 Q Did your lawyer tell the Court  
15 that you did not want to cooperate in any  
16 further investigation of the -- of the events  
17 of February 27th, 2011?

18 MR. GRANDINETTE: Objection.

19 A No.

20 Q They didn't say that in front of  
21 you?

22 A Not that I can remember.

23 Q At any time did you tell the  
24 District Attorney's Office that you didn't  
25 want to cooperate in an investigation of the

1 Thomas M. Moroughan

2 events of February 27, 2011?

3 A No.

4 Q Did -- in your presence, did your  
5 attorney ever tell them that?

6 A No.

7 Q Have you ever come to learn that  
8 your lawyers told the District Attorney's  
9 Office that you didn't want to cooperate in  
10 any further investigation?

11 MR. GRANDINETTE: I'll object to  
12 form.

13 A Now, are we talking when my  
14 charges were dismissed?

15 Q Let's start with that.

16 When your charges were  
17 dismissed --

18 A Okay.

19 Q -- in court, at that time did  
20 your lawyer represent to the Court that you  
21 did not want to, I'll use the word  
22 participate, in any further investigation of  
23 what happened on February 27, 2011?

24 A No.

25 MR. GRANDINETTE: Objection.

1 Thomas M. Moroughan

2 Q Has your lawyer ever represented  
3 to the District Attorney's Office since then  
4 that you don't want to cooperate in any  
5 further investigation?

6 MR. GRANDINETTE: Same objection.

7 You can answer, if you can.

8 A I believe William Petrillo did,  
9 yes.

10 Q So in other words, William  
11 Petrillo told the District Attorney on your  
12 behalf that you were not interested in  
13 cooperating in any further investigation of  
14 what occurred on February 27th, 2011?

15 MR. GRANDINETTE: Objection.

16 Were you there when William  
17 Petrillo spoke to the DA?

18 THE WITNESS: No.

19 MR. CLARKE: That is not the  
20 question.

21 BY MR. MITCHELL:

22 Q Have you ever seen a letter that  
23 your lawyer wrote, that Mr. Petrillo wrote to  
24 the District Attorney --

25 A No.

1 Thomas M. Moroughan

2 Q -- indicating that you did not  
3 want to cooperate with any further  
4 investigation?

5 A No.

6 Q Okay.

7 MR. GRANDINETTE: I'll object to  
8 the form.

9 Q Mr. Moroughan, do you know a  
10 person named Tony Mondo?

11 A Yes.

12 Q Is that Kristie's brother?

13 A There's two Tony Mondos.

14 Q Does she have a brother named  
15 Tony Mondo?

16 A Yes.

17 Q Did there come a time that you  
18 attended a wedding where Tony Mondo was the  
19 groom?

20 A Yes.

21 Q Was that in September of 2011?

22 A I believe so, yes.

23 Q When you attended that wedding  
24 were you seated at a table with persons there?

25 A I believe so, yes.



1 Thomas M. Moroughan

2 Q When you were seated at the table  
3 did there come a time where there was a  
4 conversation at the table about people having  
5 tattoos?

6 A I don't remember.

7 Q Do you have a recollection -- or  
8 actually, when you were at the table did a  
9 person discuss tattoos and did you say that  
10 you were going to have tattoos put on the  
11 spots where your bullet holes were?

12 A Not that I can recall, no.

13 Q Do you recall the conversation  
14 regarding the tattoos on the bullet holes  
15 turning to why you had the bullet holes?

16 A No.

17 Q Do you recall stating that: I  
18 tried to -- excuse me.

19 Do you recall stating that you  
20 had been shot by a police officer?

21 A No. I personally wouldn't have a  
22 conversation at a wedding about this  
23 situation.

24 Q Okay. Do you recall actually  
25 showing people at the table the bullet holes?

1 Thomas M. Moroughan

2 A No.

3 Q Do you recall saying to them: I  
4 tried to run them over and they shot me, what  
5 do you expect?

6 A No.

7 Q Did there come a time when you  
8 were at the table there -- did you ever come  
9 to learn that there was a Suffolk County  
10 police officer sitting at the table?

11 A No.

12 Q Did there come a time when that  
13 Suffolk County police officer actually told  
14 you that he was a Suffolk cop?

15 A No.

16 Q Do you know a person named  
17 Michael Lamonica?

18 A No.

19 Q Do you know a person named  
20 Anthony D-E-R-I-S-E?

21 MR. GRANDINETTE: D-E-E-R?

22 Q D-E-R-I-S-E.

23 A No.

24 Q Do you know a person named James  
25 S-I-L-E-O?

1 Thomas M. Moroughan

2 A No.

3 Q Do you know a person named  
4 Alejandro Trujillo, T-R-U-J-I-L-L-O?

5 A No.

6 Q Do you know that person at all?

7 A No.

8 Q Did you know any of the people  
9 that were at the table when you were at the  
10 wedding?

11 A There was a girl Lauren, was the  
12 only one that I knew at the table with us.

13 Q You're saying you have no  
14 recollection of having a conversation about  
15 tattoos, am I right?

16 A No.

17 Q You didn't tell people that you  
18 were going to get tattoos over the bullet  
19 holes, correct?

20 A Correct.

21 Q Do you have tattoos over the  
22 bullet holes?

23 A Yes.

24 Q You have one on your arm we saw  
25 earlier.

1 Thomas M. Moroughan

2 Do you have a tattoo over the  
3 bullet hole in your chest?

4 A Yes.

5 Q But you have no recollection of a  
6 conversation?

7 A No.

8 MR. MITCHELL: Thank you,  
9 Mr. Moroughan. Thank you, ladies and  
10 gentlemen.

11 I'm done.

12 MR. GRANDINETTE: Brian, can  
13 you -- you mentioned one of those people  
14 was -- I didn't get his name -- the  
15 Suffolk County cop?

16 MR. MITCHELL: I didn't mention  
17 the cop's name.

18 MR. CLARKE: It is 1:45.

19 MR. MITCHELL: Off the record.

20 ---

21 (Luncheon recess taken: 1:45 p.m.)  
22  
23  
24  
25

(Time Noted: ^ p.m.)

THOMAS M. MOROUGHAN, having been previously duly sworn by a Notary Public, was examined and testified further as follows:

\* \* \*

MR. SCHROEDER: We had sort of mentioned off the record that there's generally a seven-hour time limit for an EBT. Given the number of parties, different counties, et cetera, we may ask for some additional time.

We had seemed to indicate it wasn't some inordinate amount, that it would probably be reasonable. We will deal with it at the end.

MR. GRANDINETTE: Exactly. If you need, you need it, we'll address it.

EXAMINATION BY

MR. SCHROEDER:

Q Mr. Moroughan, how are you?

A All right.

Q My name is Frank Schroeder and I

1 Thomas M. Moroughan  
2 represent the Deputy Chief of Patrol John  
3 Hunter.

4 I'm going to be asking you a  
5 series of questions as well. The same basic  
6 rules apply.

7 First of all, if I ask you  
8 something that you don't understand, you let  
9 me know and I'll be happy to rephrase it.

10 Okay? Will you do that?

11 A Yes.

12 Q Please let me finish my question  
13 before you answer so the court reporter can  
14 take everything down. Okay?

15 A Okay.

16 Q If at any time you need a break,  
17 just let us know, we can accommodate that.  
18 With the exception, if I've asked a question  
19 I'm going to ask that you answer it first,  
20 before we take a break.

21 Can you do that?

22 A Yes.

23 Q Firstly, you and I have never met  
24 before; is that right?

25 A I don't believe so.



1 Thomas M. Moroughan

2 Q First time we met was this  
3 morning?

4 A Yes.

5 Q I want to just talk to you a  
6 little bit about some of the things -- some of  
7 the documents that you've reviewed in  
8 connection with this case.

9 You reviewed -- and I am talking  
10 about since the beginning of the case. Okay?

11 You've reviewed your Notices of  
12 Claim that you filed against both Nassau and  
13 Suffolk County?

14 A Yes.

15 Q Your -- the statement that was  
16 marked today that purports to be your written  
17 statement marked as Suffolk C, you've reviewed  
18 that before?

19 A Yes.

20 Q You reviewed your three pages of  
21 notes marked as Exhibit B?

22 A Yes.

23 Q You've reviewed some photographs  
24 in connection with this case?

25 A Yes.

1 Thomas M. Moroughan

2 Q What kind of photographs have you  
3 reviewed?

4 A Pictures from the scene. Photos  
5 of the wounds themselves when they first  
6 originally occurred.

7 Q The photos of the wounds, who  
8 took those?

9 A Myself.

10 Q What did you take those with?

11 A My camera phone.

12 Q Did you take them on February 27,  
13 2011?

14 A No.

15 MR. SCHROEDER: Have they been  
16 exchanged, Anthony?

17 MR. GRANDINETTE: I don't know if  
18 they have. I'll double-check.

19 BY MR. SCHROEDER:

20 Q You still have those photos?

21 A Yes. They're on my phone.

22 Q You have them with you today?

23 A On my phone.

24 Q Would you mind just bringing them  
25 up just so we can see whether they've been

1 Thomas M. Moroughan

2 exchanged or not?

3 MR. GRANDINETTE: I don't know if  
4 they have been or not.

5 I don't know if there's been a  
6 demand made, if they've been exchanged,  
7 but we will be more than happy to  
8 provide them to you.

9 BY MR. SCHROEDER:

10 Q Do you have -- - is that one of  
11 the photos?

12 A I'm waiting --

13 MR. GRANDINETTE: I told him to  
14 turn off his phone.

15 Q Actually, if you have the photos  
16 on your phone I'm going to ask to look at them  
17 today during the deposition.

18 A Okay.

19 ^ FEMALE: no, he meant to turn  
20 off his phone before the deposition  
21 started.

22 MR. GRANDINETTE: I told him to.

23 ---

24 (Witness using cell phone.)^

25 ---

1 Thomas M. Moroughan

2 A Do you want me to walk over to  
3 you?

4 Q No. That's okay.

5 Do you know approximately how  
6 many photos there were?

7 A No.

8 ---

9 (Counsel viewing witness' cell phone.)^

10 ---

11 BY MR. SCHROEDER:

12 Q This is a photo -- just tell me  
13 what we are looking at here.

14 A This is the bullet wound to my  
15 chest.

16 Q Do you recall approximately when  
17 you took the photos?

18 A I took this like two days after  
19 it happened. This was inside Dr. Martin's  
20 office. This is the first time I took the  
21 bandage off and looked at it.

22 That was one of my arm.

23 MR. CLARKE: Would you flash back  
24 to the other photo, please.

25 The date 3/2/2011, is that the

1 Thomas M. Moroughan

2 date of the photograph? The date there  
3 that flashes on your screen.

4 THE WITNESS: Yes. 3/2/2011.

5 MR. CLARKE: That's your chest as  
6 well? The third photograph?

7 THE WITNESS: This is a few  
8 months later, when I got the car back,  
9 when I finally got to see the car.

10 MR. CLARKE: There are no photos  
11 of the arm?

12 ^ FEMALE: He showed you that  
13 one.

14 MR. CLARKE: They were three of  
15 the chest I thought.

16 THE WITNESS: No, that's --

17 MR. CLARKE: That's the arm?

18 THE WITNESS: Yes. That's the  
19 arm.

20 MR. CLARKE: You're holding your  
21 arm up?

22 THE WITNESS: Yes.

23 BY MR. SCHROEDER:

24 Q After the car was released to  
25 you you took X-rays^ ??? of the car, but this

1 Thomas M. Moroughan

2 was --

3 A That was taken by, I believe,  
4 Kristie or her friend.

5 This is at the hospital. This  
6 shows the --

7 Q This is on the morning of  
8 February 27, 2011?

9 A Yes.

10 Q Is there any others from  
11 February 27, 2011?

12 A ^ Answer here???

13 Q Okay.

14 Do you have any idea -- I noticed  
15 that -- let see that photo again.

16 Did I just see -- it says  
17 10/6/2014. Do you have any idea why it says  
18 that?

19 A Probably saved it.

20 Q That's not the day it was taken?

21 A No. That's probably the date it  
22 was saved.

23 Q How about the other photos; when  
24 were they taken?

25 A The ones that were taken after it



1 Thomas M. Moroughan  
2 was released from impound, I think they're all  
3 coming up basically the same day. Yeah,  
4 6/24/2011.

5 Q You think that's about when you  
6 took them?

7 A Yes.

8 Q Where did you take them? Where  
9 were those photos taken?

10 A They were taken at one of the  
11 owners' of the company's personal house. I  
12 believe it was like Centereach or Mount Sinai.

13 Q What was his name?

14 A Boris.

15 Q Last name?

16 A Goldberg. Goldstein, maybe.

17 Q Okay.

18 MR. CLARKE: Boris Goldstein?

19 THE WITNESS: Boris Goldstein or  
20 Goldberg.

21 BY MR. SCHROEDER:

22 Q Thank you.

23 I'm going to ask you to preserve  
24 those. I'm going to ask for copies of them.

25 MR. CLARKE: I would -- and I'll